

**2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0216/1insJTK  
JTK:.....

INS anal JTK

Noir following creation of the district. Unless unanimously agreed to by the governing bodies of all municipalities that lie within the district, the commissioners are elected at large pursuant to a plan of apportionment under which each commissioner resides in a separate geographic area. If unanimously agreed to by the respective governing bodies, the commissioners may be elected at large without a plan of apportionment. ✓

INSERT - ANL - JK

④ Under the bill, a district is considered to be <sup>determining eligibility for and</sup> a municipality for purposes of receiving a payment under the expenditure restraint program. Under current law, generally, a municipality that imposes a property tax levy rate of more than ~~5~~<sup>five</sup> mills receives an expenditure restraint program payment, if any increase in the municipality's budget for the year is no more than the allowable increase under the program. The allowable increase is based, generally, on the property value in the municipality and the inflation rate.

end of insert

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0216/linsAG  
ARG:.....

~~SPECIFIC SERVICES PROVIDED BY A DISTRICT~~

A district may operate (as well as improve and promote) an existing mass transit system. A mass transit system means public transportation on a regular and continuing basis by bus, shared-ride taxicab, rail, or other conveyance, whether publicly or privately owned.

A district may contract with a municipality for the district to perform all or certain parts of highway maintenance services on highways under the municipality's jurisdiction. These services may include but are not limited to snow removal, highway lighting, and highway surface cleaning. (Current law allows a municipality to contract with the Department of Transportation (DOT) to perform highway maintenance services on highways under DOT's jurisdiction, and the bill also allows a district to contract with DOT to perform such services.) If a municipality and district enter into a highway maintenance contract, the municipality must transfer to the district, within 30 days of receipt, all state transportation aids received by the municipality allocable to the cost of providing those highway maintenance services that are the subject of the contract. The municipality must further provide information to DOT regarding the services that are subject to the highway maintenance contract and the amount of state transportation aids transferred to the district because of the contract. A district providing highway maintenance services may register vehicles with DOT in the same manner as a municipality and is governed by the same civil liability limitations that apply to municipalities with respect to operation of motor vehicles. While the bill does not relieve a municipality from its legal responsibility for highways under its jurisdiction, including limited civil liability for highway defects, the bill allows a municipality to recover from a district for any legal liability imposed upon the municipality based upon a highway defect resulting from a district's highway maintenance work.

✓

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB  
MJL:.....

INS MJL 20-4

~~The bill also allows a municipal or joint library to be operated by a district if the governing bodies of the municipalities and the district's commission agree.~~

★  
SECTION 1. 43.01 (1m) of the statutes is created to read:

43.01 (1m) "District" means a metropolitan service district under ch. 229. ✓

SECTION 2. 43.18 (1) (ag) of the statutes is amended to read:

43.18 (1) ~~WITHDRAWAL~~ (ag) In this subsection, "participating municipality" means a district or municipality that operates a public library and is a member of a public library system.

History: 1971 c. 152; 1981 c. 197; 1985 a. 29; 1997 a. 150; 1999 a. 83.

SECTION 3. 43.52 (1m) of the statutes is created to read:

1r  
(B) 43.52 (1m) A municipal library may be operated by a district if the municipality and district enter into an agreement of their governing bodies. Notwithstanding s. 43.54, the agreement shall provide for the creation of new library board to carry out the powers and duties under s. 43.58.

SECTION 4. 43.53 (4) of the statutes is created to read.

43.53 (4) A joint library may be operated by a district if the district and the municipalities that established the joint library enter into an agreement of their governing bodies. The agreement shall provide for the creation of a new library board to carry out the powers and duties under s. 43.58. ✓

Notwithstanding s. 43.54

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0216/1dnJTK  
JTK.....

INS  
D-NOTE  
MES →

Under this draft, as under the previous draft, the default method of election of commissioners is at large pursuant to a plan of geographic apportionment. However, as under the previous draft, the commissioners may be elected at large without a plan of apportionment if the governing body of each municipality in the district agrees to accept that method of election.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

~~INS  
D-NOTE  
MES~~

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0216/1dn  
MES&JTK:cjs:ch

April 22, 2003

Representative Huber:

Your redraft instructions request that a cross-reference to s. 65.90 be inserted into s. 229.861. I don't believe that such a cross-reference is needed. Because an MSD may impose a property tax, s. 65.90 applies to MSDs. See s. 65.90 (1): "... 'municipality' means . . . all other public bodies that have the power to levy or certify a general property tax or budget."

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
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Under this draft, as under the previous draft, the default method of election of commissioners is at large pursuant to a plan of geographic apportionment. However, as under the previous draft, the commissioners may be elected at large without a plan of apportionment if the governing body of each municipality in the district agrees to accept that method of election.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

## Memo:

Date: May 1, 2003

RE: Metropolitan Service District

From: Representative Greg Huber

Contact: Jeremy Levin (AM) 266-8588  
(PM) 266-0654

Contact: Marc Shovers (608) 266-0129  
LRB, Attorney

### Changes to make to LRB-0216/1:

- 1) Clarify that the municipalities that do not receive the services do not have to pay for those services. The MSD should be able to levy a property tax at a different rate, or collect a fee from the municipalities that are provided with the extra service. (page 58, line 17-20 (section 121)--§229.863(3))
- 2) "No city or village may annex any town territory under s. 66.0217, 66.0219, 66.0221, or 66.0223 if that territory is part of the same district to which the annexing city or village belongs, except that such territory may be annexed under a boundary agreement under s. 66.0307, or such territory may be annexed at the request of the property owner and with the approval of the town board." (page 65, line 1-5 (section 121)--§229.864(4))
- 3) The commission clerk "shall send a written description of the action taken to the members of the veto panel (the chief executive officer of each municipality), and each municipality's clerk. Each member of the veto panel may notify the commission clerk in writing, not later than 10 business days after he or she receives the description of the action, that he or she objects to the commission's action." (page 66, line 7-11 (section 121)--§229.865(1)(b))
- 4) [Add onto the end of the sentence]--"... for that municipality." (page 64, line 19 --§229.864(2))

## Shovers, Marc

---

**From:** Levin, Jeremy  
**Sent:** Thursday, May 01, 2003 5:14 PM  
**To:** 'ed@wiscities.org'; 'jplautz@aol.com'; 'wtowns1@frontiernet.net'; 'witynski@lwm-info.org'; Rep.LehmanM  
**Cc:** Shovers, Marc; Dyke, Don  
**Subject:** Changes to LRB 0216/1

I am attaching the changes to the MSD bill. Please review them. They are being sent to the drafter as well, so that he might be able to get a head start on the changes. If there are still some problems with the language, we can change them on Monday.

Have a good weekend,

Jeremy



Memo--Changes to  
make to LRB-0...





State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0216/2

MS/JTK/JK/RC/AG/RT/ML/cs:ca

TODAY

stays

RMR

2003 BILL

SAV

SOON:  
FV 5/7

repeal

1 AN ACT *to renumber 66.0617 (2) (am); to renumber and amend 83.001; to*  
2 *amend 5.02 (21), 5.58 (3), 5.68 (2), 5.68 (3), 7.51 (3) (b), 7.51 (3) (d), 7.51 (4) (b),*  
3 *7.51 (5), 9.10 (1) (a), 9.10 (1) (b), 9.10 (2) (d), 9.10 (3) (a), 9.10 (4) (a), 9.10 (4) (d),*  
4 *9.10 (7), 10.05, 10.07 (1), 11.31 (1) (h) (intro.), 17.13 (intro.), 17.13 (3), 23.09 (19)*  
5 *(a) 2., 23.09 (20) (ab) 1., 23.09 (20m) (a) 1., 23.0917 (4m) (a) 3., 23.094 (1), 25.50*  
6 *(1) (d), 27.01 (3), 27.075 (1), 27.075 (2), 27.075 (3), 27.075 (4), 27.08 (1), 27.08*  
7 *(3), 30.277 (1b) (a), 43.18 (1) (ag), 59.69 (5) (c), 59.69 (7), 60.62 (1), 61.65 (1) (a)*  
8 *2., 61.65 (2) (a) 2., 62.13 (1), 62.13 (8), 66.0217 (2), 66.0217 (3) (a) (intro.),*  
9 *66.0217 (3) (b) (intro.), 66.0219 (intro.), 66.0221 (1), 66.0223, 66.0301 (1) (a),*  
10 *66.0615 (1m) (a), 66.0615 (2) (intro.), 66.0615 (2) (a), 66.0615 (2) (d), 66.0615 (3),*  
11 *66.0617 (1) (a), 66.0617 (1) (c), 66.0617 (1) (d), 66.0617 (1) (g), 66.0617 (1) (h),*  
12 *66.0617 (2) (a), 66.0617 (3), 66.0617 (4) (a) (intro.), 66.0617 (4) (b), 66.0617 (5),*  
13 *66.0617 (6) (intro.), 66.0617 (6) (b), 66.0617 (7), 66.0617 (8), 66.0617 (9), 66.0617*  
14 *(10), 66.1021 (11) (a), 66.1341, 67.01 (5), 71.26 (1) (bm), 83.018, 84.07 (1), 84.07*

**BILL**

(2), 84.07 (4), 85.20 (1) (d), 85.22 (2) (c), 85.243 (1) (b), 85.52 (1) (ag), 86.105, 287.09 (1) (a), 287.09 (1) (e), 341.26 (2m) (a), 343.38 (1) (c) 2. b., 344.14 (2) (j), 344.25 (1), 345.05 (2), (4) and (5) and 348.18; **to create** 5.58 (1u), 5.60 (6u), 7.53 (3m), 8.10 (6) (e), 8.11 (2f), 11.02 (8), 17.01 (11m), 17.27 (1f), 43.01 (1m), 43.52 (1r), 43.53 (4), 59.69 (2) (g), 60.61 (3) (d), 60.62 (3m), 61.65 (1) (a) 4., 61.65 (2) (a) 5., 62.13 (2s), 66.0309 (8) (c), 66.0615 (1) (bs), 66.0615 (1m) (em), 66.0617 (1) (dg), 66.0617 (2) (am) 2., 66.0617 (6) (h), 66.0617 (11), 70.11 (37m), 77.25 (18m), 77.54 (9a) (i), 79.05 (1) (bm), 81.001, 81.19, 83.001 (2), 84.001 (1s), 84.001 (1t), 85.01 (2g), 86.001 (2g), subchapter VI of chapter 229 [precedes 229.86], 287.09 (1) (dm) and 340.01 (28t) of the statutes; and **to affect** Laws of 1975, chapter 105, section 1 (1) and (2); **relating to:** authorizing the creation of a metropolitan service district, authorizing a metropolitan service district to levy a property tax, authorizing a metropolitan service district to apply for funding from certain programs that receive funding from the Warren Knowles–Gaylord Nelson Stewardship 2000 Program, authorizing certain towns to use tax incremental financing, and authorizing a metropolitan service district to impose impact fees and issue debt.

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***Analysis by the Legislative Reference Bureau***

This bill authorizes certain municipalities (any city, village, or town or portion of a town, that is located in an urbanized area, as designated by a regional planning commission or county zoning agency) to jointly create a metropolitan service district (district). A district is a local unit of government that is a body corporate and politic and that is separate and distinct from, and independent of, the state and the municipalities within its jurisdiction. Subject to a number of conditions, a district's jurisdiction consists of two or more municipalities, that are located within a single urbanized area, if the municipalities adopt similar enabling resolutions within a 30-day period. The resolution declares a municipality's intent to create a district and declares which two or more governmental services the district will provide.

**BILL**

Upon the adoption of such resolutions by at least two municipalities, every municipality within the urbanized area becomes a part of the district unless a municipality's governing body opts out of the district within 60 days after the adoption of the second enabling resolution.

A municipality that opts out of a district may later join if its request to join is approved by the commission, which is the district's governing body, and by all of the municipalities that are part of the district. A city or village that is not in the district's urbanized area may also join with approval from the commission and all of the municipalities that are part of the district. The territory of a municipality may be in only one district. A district may be in more than one county, although a county may not be a part of a district.

Before a district may be created, the governing bodies of each of the municipalities that have not opted out of the district must reach an agreement that addresses a number of issues, including the number of members of the commission, which may not be greater than nine; a method of appointing temporary members of the commission to serve until the initial election and qualification of members; an apportionment plan for the election of commissioners, or an agreement to not have an apportionment plan; and a list of issues and actions of the commission that are subject to review by a veto panel (see below). The agreement may also address any other issue. Before such an agreement may be entered into, the participating municipalities must select an arbitrator who will decide by November 1 any of the issues that are not resolved by the municipalities by September 1, except the issue of whether to elect members of the commission pursuant to an apportionment plan (see below).

A district is governed by its commission. The members of the commission must choose from among themselves a chairperson, vice chairperson, secretary, and treasurer. A district may take action based on the affirmative vote of at least a majority of the members of the commission. The members of the commission are elected for three-year terms, except that the terms of the nearest whole number to one-third of the initial commissioners shall be one year and the terms of the nearest whole number to one-third of the initial commissioners shall be two years.

The first election of members of the commission occurs in the April following creation of the district. Unless unanimously agreed to by the governing bodies of all municipalities that lie within the district, the commissioners are elected at large pursuant to a plan of apportionment under which each commissioner resides in a separate geographic area. If unanimously agreed to by the respective governing bodies, the commissioners may be elected at large without a plan of apportionment.

Upon its creation, a commission and each municipality that is part of the district must determine which property, facilities, and other assets of the municipality shall be transferred from the municipality to the district. Real property and attachments that relate to a service provided by the district, and associated debts of such property and attachments, must be transferred to a district, as well as vehicles and specialized equipment with a value of at least \$50,000. Unused property, equipment, or other assets must be returned by the district from the municipality from which it came. If the commission and a municipality are unable

**BILL**

to reach an agreement on the transfer of property, equipment, and other assets within 90 days after the municipality becomes a part of a district, the parties must agree on the selection of an arbitrator who shall decide on the terms of settlement.

A district must provide at least two governmental services, which shall include at least one of the following: economic development; land use planning; fire and emergency medical; parks and recreation; zoning; mass transit; highway maintenance; police; recycling; yard waste and garbage collection; and municipal or joint libraries. *If a district provides a service to only some of the municipalities in a district, only the municipalities that receive the service may be charged a fee for that service.*

If a municipality becomes a part of a district, the district must employ all municipal employees who provided the service to be provided by the district, and pay them wages and benefits at least comparable to their former wages and benefits, until the expiration of the of the applicable collective bargaining agreements. Upon the expiration of the agreements, the district may offer continued employment to those employees. If a municipality becomes a part of a district, it must accept all of the services then provided by the district, and must discontinue its collection of a room tax, if any, if the district collects a room tax.

In connection with property or facilities used or needed by a district to perform the services it provides, the powers of a district include: the authority to acquire, develop, maintain, improve, operate, and manage the property or facilities; the authority to operate recreational facilities or programs; the authority to enter into contracts; the authority to employ personnel; the authority to impose an impact fee on developers; the authority to impose a room tax; the authority to issue debt for capital improvements to property or facilities; and the authority to levy a property tax to carry out the district's functions.

Under the bill, a district is considered to be a municipality for purposes of determining eligibility for and receiving a payment under the expenditure restraint program. Under current law, generally, a municipality that imposes a property tax levy rate of more than five mills receives an expenditure restraint program payment, if any increase in the municipality's budget for the year is no more than the allowable increase under the program. The allowable increase is based, generally, on the property value in the municipality and the inflation rate. *is part of*

*No* ~~The municipalities that make up the jurisdiction of a district may not~~ expend any funds to support property or facilities that are owned by the district, or impose an impact fee for property or facilities that are related to providing a service that the district provides. *to that municipality* *the same* No city or village may annex town territory of a town that is part of district, other than under a boundary agreement or at the request of the property owner and with the consent of the town board. In addition, a town that is located in whole or part within a district that provides the town with planning and zoning services may exercise tax incremental financing powers if the town enters into a revenue sharing agreement with every other municipality in the district. *to which the annexing city or village belongs*

Upon the creation of a district, there is also created a veto panel, consisting of the chief executive officer of each municipality that is part of the district. The veto panel exists, generally, for ten years after its creation. The commission must notify the veto panel whenever it takes action on an item that is subject to veto panel review. Each member of the panel may notify the commission's clerk within ~~the~~ *ten* business

*and each municipality's clerk,*

**BILL**

days of being notified of such commission action that the member objects to the commission's action. If at least 50% of the members of the panel object to the commission's action, the action of the commission is vetoed and may not take effect. The commission may override a veto, however, by a two-thirds vote of all of the members of the commission.

A municipality may withdraw from a district if it adopts a resolution stating its intention to withdraw and if all of the other municipalities that are a part of the district adopt resolutions of approval.

Disputes between municipalities and the commission involving the creation, governance, functions, or services provided by a district, or the transfer of property and facilities from a district to a municipality upon a district's dissolution, must be submitted to arbitration.

Subject to providing for the payment of its debts, and the performance of other contractual obligations, a district may be dissolved by its commission. Upon dissolution, the property of the district shall be transferred to the municipalities that are a part of the district, based on a number of factors, such as the current value of the property and facilities transferred by the municipality to the district and the amount of money or other contributions made to the district by the municipality during the district's existence.

A district may operate (as well as improve and promote) an existing mass transit system. A mass transit system means public transportation on a regular and continuing basis by bus, shared-ride taxicab, rail, or other conveyance, whether publicly or privately owned.

A district may contract with a municipality for the district to perform all or certain parts of highway maintenance services on highways under the municipality's jurisdiction. These services may include but are not limited to snow removal, highway lighting, and highway surface cleaning. (Current law allows a municipality to contract with the Department of Transportation (DOT) to perform highway maintenance services on highways under DOT's jurisdiction, and the bill also allows a district to contract with DOT to perform such services.) If a municipality and district enter into a highway maintenance contract, the municipality must transfer to the district, within 30 days of receipt, all state transportation aids received by the municipality allocable to the cost of providing those highway maintenance services that are the subject of the contract. The municipality must further provide information to DOT regarding the services that are subject to the highway maintenance contract and the amount of state transportation aids transferred to the district because of the contract. A district providing highway maintenance services may register vehicles with DOT in the same manner as a municipality and is governed by the same civil liability limitations that apply to municipalities with respect to operation of motor vehicles. While the bill does not relieve a municipality from its legal responsibility for highways under its jurisdiction, including limited civil liability for highway defects, the bill allows a municipality to recover from a district for any legal liability imposed upon the municipality based upon a highway defect resulting from a district's highway maintenance work.

**BILL**

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1       **SECTION 1.** 5.02 (21) of the statutes is amended to read:

2       5.02 (21) “Spring election” means the election held on the first Tuesday in April  
3       to elect judicial, educational, and municipal officers, nonpartisan county officers,  
4       sewerage commissioners, and commissioners of metropolitan service districts and to  
5       express preferences for the person to be the presidential candidate for each party.

6       **SECTION 2.** 5.58 (1u) of the statutes is created to read:

7       5.58 (1u) METROPOLITAN SERVICE DISTRICT COMMISSION. Except as authorized in  
8       s. 5.655, there shall be a separate ballot for members of the metropolitan service  
9       district commission. Arrangement of the names on the ballot shall be determined by  
10      the metropolitan service district clerk in the manner provided under s. 5.60 (1) (b).  
11      The ballot shall be entitled “Official Primary Ballot for Member of the Metropolitan  
12      Service District Commission.”

13      **SECTION 3.** 5.58 (3) of the statutes is amended to read:

14      5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,  
15      for any judicial office, or for any elected seat on a metropolitan sewerage commission  
16      or town sanitary district commission; in counties having a population of 500,000 or  
17      more only 2 candidates for member of the board of supervisors within each district;,  
18      in counties having a population of less than 500,000 only 2 candidates for each  
19      member of the county board of supervisors from each district or numbered seat or  
20      only 4 candidates for each 2 members of the county board of supervisors from each  
21      district whenever 2 supervisors are elected to unnumbered seats from the same

**BILL**

1 district; in 1st class cities only 2 candidates for any at-large seat and only 2  
2 candidates from any election district to be elected to the board of school directors;  
3 in school districts electing school board members to numbered seats, or pursuant to  
4 an apportionment plan or district representation plan, only 2 school board  
5 candidates for each numbered seat or within each district; in a metropolitan service  
6 district, twice as many candidates as are to be elected members of the metropolitan  
7 service district commission, or, if the district elects commissioners from apportioned  
8 areas, twice as many candidates as are to be elected members of the commission from  
9 each apportioned area; and twice as many candidates as are to be elected members  
10 of other school boards or other elective officers receiving the highest number of votes  
11 at the primary shall be nominees for the office at the spring election. Only their  
12 names shall appear on the official spring ballot.

13 **SECTION 4.** 5.60 (6u) of the statutes is created to read:

14 **5.60 (6u) METROPOLITAN SERVICE DISTRICT COMMISSION.** Except as authorized in  
15 s. 5.655, a separate ballot shall list the names of all candidates for member of the  
16 metropolitan service district commission. Arrangement of the names on the ballot  
17 shall be determined by the metropolitan service district clerk in the manner provided  
18 under sub. (1) (b). The ballot shall be entitled "Official Ballot for Member of the  
19 Metropolitan Service District Commission."

20 **SECTION 5.** 5.68 (2) of the statutes is amended to read:

21 **5.68 (2)** Except as otherwise expressly provided, all costs for ballots, supplies,  
22 notices, and any other materials necessary in preparing or conducting any election  
23 shall be paid for by the county or municipality whose clerk or board of election  
24 commissioners is responsible for providing them. If a ballot is prepared for a school,  
25 technical college, sewerage or, sanitary, or metropolitan service district, the district

**BILL****SECTION 5**

1 shall pay for the cost of the ballot. If no other level of government is involved in a  
2 school, technical college, sewerage ~~or~~, sanitary, or metropolitan service district  
3 election, the district shall pay for all costs of the ballots, supplies, notices, and other  
4 materials. If ballots, supplies, notices, or other materials are used for elections  
5 within more than one unit of local government, the costs shall be proportionately  
6 divided between the units of local government involved in the election. In a 1st class  
7 city, all costs otherwise attributable to a school district shall be paid by the city.

8 **SECTION 6.** 5.68 (3) of the statutes is amended to read:

9 5.68 (3) If voting machines are used or if an electronic voting system is used  
10 in which all candidates and referenda appear on the same ballot, the ballots for all  
11 national, state, and county offices and for county and state referenda shall be  
12 prepared and paid for by the county wherein they are used. If the voting machine  
13 or electronic voting system ballot includes a municipal or school, technical college,  
14 sewerage ~~or~~, sanitary, or metropolitan service district ballot, the cost of that portion  
15 of the ballot shall be reimbursed to the county or paid for by the municipality or  
16 district, except as provided in a 1st class city school district under sub. (2).

17 **SECTION 7.** 7.51 (3) (b) of the statutes is amended to read:

18 7.51 (3) (b) For ballots which relate only to municipal ~~or~~, school district, or  
19 metropolitan service district offices or referenda, the inspectors, in lieu of par. (a),  
20 after counting the ballots shall return them to the proper ballot boxes, lock the boxes,  
21 paste paper over the slots, sign their names to the paper, and deliver them and the  
22 keys therefor to the municipal ~~or~~, school district, or metropolitan service district  
23 clerk. The clerk shall retain the ballots until destruction is authorized under s. 7.23.

24 **SECTION 8.** 7.51 (3) (d) of the statutes is amended to read:



**BILL**

1           7.51 (3) (d) All absentee certificate envelopes which have been opened shall be  
2 returned by the inspectors to the municipal clerk in a securely sealed carrier  
3 envelope which is clearly marked “used absentee certificate envelopes”. The  
4 envelopes shall be signed by the chief inspector and 2 other inspectors. Except when  
5 the ballots are used in a municipal or school district, or metropolitan service district  
6 election only, the municipal clerk shall transmit the used envelopes to the county  
7 clerk.

8           **SECTION 9.** 7.51 (4) (b) of the statutes is amended to read:

9           7.51 (4) (b) The chief inspector, or one of the inspectors appointed by him or her,  
10 immediately after the votes are tabulated or counted at each election, shall report  
11 the returns of the election to the municipal clerk or to the school district clerk for  
12 school district elections, except in 1st class cities, or to the metropolitan service  
13 district clerk for metropolitan service district elections. The clerk shall then make  
14 the returns public.

15           **SECTION 10.** 7.51 (5) of the statutes is amended to read:

16           7.51 (5) RETURNS. (a) The inspectors shall make full and accurate return of the  
17 votes cast for each candidate and proposition on tally sheet forms provided by the  
18 municipal clerk for that purpose. Each tally sheet shall record the returns for each  
19 office or referendum by ward, unless combined returns are authorized in accordance  
20 with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group  
21 of combined wards. After recording the votes, the inspectors shall seal in a carrier  
22 envelope outside the ballot bag or container one inspectors’ statement under sub. (4)  
23 (a), one tally sheet, and one poll or registration list for delivery to the county clerk,  
24 unless the election relates only to municipal or school district offices or referenda or  
25 metropolitan service district offices. The inspectors shall also similarly seal one

**BILL****SECTION 10**

1 inspectors' statement, one tally sheet, and one poll or registration list for delivery to  
2 the municipal clerk. For school district elections, except in 1st class cities, the  
3 inspectors shall similarly seal one inspectors' statement, one tally sheet, and one poll  
4 or registration list for delivery to the school district clerk. For metropolitan service  
5 district elections, the inspectors shall similarly seal one inspectors' statement, one  
6 tally sheet, and one poll or registration list for delivery to the metropolitan service  
7 district clerk. The inspectors shall immediately deliver all ballots, statements, tally  
8 sheets, lists, and envelopes to the municipal clerk.

9 (b) The municipal clerk shall arrange for delivery of all ballots, statements,  
10 tally sheets, lists, and envelopes relating to a school district or metropolitan service  
11 district election to the school district or metropolitan service district clerk,  
12 respectively. The municipal clerk shall deliver the ballots, statements, tally sheets,  
13 lists, and envelopes for his or her municipality relating to any county, technical  
14 college district, state, or national election to the county clerk by 2 p.m. on the day  
15 following each such election. The person delivering the returns shall be paid out of  
16 the municipal treasury. Each clerk shall retain ballots, statements, tally sheets, or  
17 envelopes received by the clerk until destruction is authorized under s. 7.23 (1).

18 **SECTION 11.** 7.53 (3m) of the statutes is created to read:

19 **7.53 (3m) METROPOLITAN SERVICE DISTRICT ELECTIONS.** The metropolitan service  
20 district clerk shall appoint 2 qualified electors of the district prior to the date of the  
21 election being canvassed, who shall, with the clerk, constitute the metropolitan  
22 service district board of canvassers. The clerk shall appoint an individual to fill any  
23 temporary vacancy on the board of canvassers. The canvass shall begin as soon as  
24 possible after receipt of the returns and shall continue, without adjournment, until  
25 completed. The board of canvassers may return defective returns to the municipal

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1 board of canvassers in the manner provided in s. 7.60 (3). Following the spring  
2 election, the board of canvassers shall publicly declare the results on or before the  
3 2nd Tuesday of April. The board of canvassers shall prepare a written statement  
4 showing the numbers of votes cast for each person for each office and shall prepare  
5 a determination showing the names of the persons who are elected to the  
6 metropolitan service district commission. Following each primary election, the  
7 board of canvassers shall prepare a statement certifying the names of the persons  
8 who have won nomination to the metropolitan service district commission. Each  
9 statement and determination shall be attested by each of the canvassers. The board  
10 of canvassers shall file each statement and determination in the metropolitan  
11 service district office.

12 **SECTION 12.** 8.10 (6) (e) of the statutes is created to read:

13 8.10 (6) (e) For members of a metropolitan service district commission, with the  
14 metropolitan service district clerk.

15 **SECTION 13.** 8.11 (2f) of the statutes is created to read:

16 8.11 (2f) METROPOLITAN SERVICE DISTRICT COMMISSIONS. A primary shall be held  
17 in a metropolitan service district whenever there are more than twice the number  
18 of candidates as are to be elected members of the metropolitan service district  
19 commission, or, if the district elects commissioners from apportioned areas, more  
20 than twice as many candidates as are to be elected members of the commission from  
21 any apportioned area.

22 **SECTION 14.** 9.10 (1) (a) of the statutes is amended to read:

23 9.10 (1) (a) The qualified electors of the state,; of any county, city, village, or  
24 town,; of any congressional, legislative, judicial, or school district,; of any  
25 metropolitan service district; or of any prosecutorial unit may petition for the recall

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1 of any incumbent elective official by filing a petition with the same official or agency  
2 with whom nomination papers or declarations of candidacy for the office are filed  
3 demanding the recall of the officeholder.

4 **SECTION 15.** 9.10 (1) (b) of the statutes is amended to read:

5 9.10 (1) (b) Except as provided in par. (c), a petition for recall of a state,  
6 congressional, legislative, judicial, or county officer shall be signed by electors equal  
7 to at least 25% of the vote cast for the office of governor at the last election within the  
8 same district or territory as that of the officeholder being recalled. Except as  
9 provided in par. (c), a petition for the recall of a city, village, town, metropolitan  
10 service district, or school district officer shall be signed by electors equal to at least  
11 25% of the vote cast for the office of president at the last election within the same  
12 district or territory as that of the officeholder being recalled.

13 **SECTION 16.** 9.10 (2) (d) of the statutes is amended to read:

14 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless  
15 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the  
16 filing officer with whom the petition is filed. The petitioner shall append to the  
17 registration a statement indicating his or her intent to circulate a recall petition, the  
18 name of the officer for whom recall is sought and, in the case of a petition for the recall  
19 of a city, village, town, metropolitan service district, or school district officer, a  
20 statement of a reason for the recall which is related to the official responsibilities of  
21 the official for whom removal is sought. No petitioner may circulate a petition for  
22 the recall of an officer prior to completing registration. The last date ~~that~~ on which  
23 a petition for the recall of a state, congressional, legislative, judicial, or county officer  
24 may be offered for filing is 5 p.m. on the 60th day commencing after registration. The  
25 last date ~~that~~ on which a petition for the recall of a city, village, town, metropolitan

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1 service district, or school district officer may be offered for filing is 5 p.m. on the 30th  
2 day commencing after registration. After the recall petition has been offered for  
3 filing, no name may be added or removed. No signature may be counted unless the  
4 date of the signature is within the period provided in this paragraph.

5 **SECTION 17.** 9.10 (3) (a) of the statutes is amended to read:

6 9.10 (3) (a) This subsection applies to the recall of all elective officials other  
7 than city, village, town, metropolitan service district, and school district officials.  
8 City, village, town, metropolitan service district, and school district officials are  
9 recalled under sub. (4).

10 **SECTION 18.** 9.10 (4) (a) of the statutes is amended to read:

11 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,  
12 metropolitan service district, or school district official, is offered for filing, the officer  
13 against whom the petition is filed may file a written challenge with the ~~municipal~~  
14 ~~clerk or board of election commissioners or school district clerk~~ official or agency with  
15 whom it ~~the~~ petition is filed, specifying any alleged insufficiency. If a challenge is  
16 filed, the petitioner may file a written rebuttal to the challenge with the ~~clerk or~~  
17 ~~board of election commissioners~~ official or agency within 5 days after the challenge  
18 is filed. If a rebuttal is filed, the officer against whom the petition is filed may file  
19 a reply to any new matter raised in the rebuttal within 2 days after the rebuttal is  
20 filed. Within 14 days after the expiration of the time allowed for filing a reply to a  
21 rebuttal, the ~~clerk or board of election commissioners~~ official or agency shall file the  
22 certificate or an amended certificate. Within 31 days after the petition is offered for  
23 filing, the ~~clerk or board of election commissioners~~ official or agency shall determine  
24 by careful examination of the face of the petition whether the petition is sufficient  
25 and shall so state in a certificate issued by the official or agency and attached to the

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petition. If the petition is found to be insufficient, the certificate shall state the particulars creating the insufficiency. The petition may be amended to correct any insufficiency within 5 days following the affixing of the original certificate. Within 2 days after the offering of the amended petition for filing, the ~~clerk or board of election commissioners~~ official or agency shall again carefully examine the face of the petition to determine sufficiency and shall attach to the petition a certificate stating the findings. Immediately upon finding an original or amended petition sufficient, except in cities over 500,000 population, ~~the municipal clerk or school district clerk~~ and except with regard to a member of a metropolitan service district commission, ~~the official~~ shall transmit the petition to the governing body or to the school board. ~~Immediately~~ Except with regard to a member of a metropolitan service district commission, immediately upon finding an original or amended petition sufficient, in cities over 500,000 population, the board of election commissioners shall file the petition in its office. Immediately upon finding an original or amended petition sufficient, with regard to a member of a metropolitan service district commission, the metropolitan service district clerk shall file the petition in his or her office and shall transmit a copy of the petition to the governing body of each city, village, and town that has territory within the jurisdiction of the metropolitan service district.

**SECTION 19.** 9.10 (4) (d) of the statutes is amended to read:

9.10 (4) (d) Promptly upon receipt of a certificate or copy of the certificate issued under par. (a), the governing body, school board, or board of election commissioners shall call a recall election. The recall election shall be held on the Tuesday of the 6th week commencing after the date on which the certificate is filed, except that if Tuesday is a legal holiday the recall election shall be held on the first day after Tuesday which is not a legal holiday.

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1       **SECTION 20.** 9.10 (7) of the statutes is amended to read:

2       9.10 (7) **PURPOSE.** The purpose of this section is to facilitate the operation of  
3 article XIII, section 12, of the constitution and to extend the same rights to electors  
4 of cities, villages, towns, metropolitan service districts, and school districts.

5       **SECTION 21.** 10.05 of the statutes is amended to read:

6       **10.05 Posting of notice.** Unless specifically designated elsewhere, this  
7 section applies to villages, towns ~~and~~, school districts, and metropolitan service  
8 districts. Whenever a notice is required to be published, a village, town ~~or~~, school  
9 district, or metropolitan service district may post 3 notices in lieu of publication  
10 under ch. 985 whenever there is not a newspaper published within the village, town  
11 ~~or~~, school district, or metropolitan service district or whenever the governing body  
12 of the village, town ~~or~~, school district, or metropolitan service district chooses to post  
13 in order to supplement notice provided in a newspaper. Whenever the manner of  
14 giving notice is changed by the governing body, the body shall give notice of the  
15 change in the manner used before the change. Whenever posting is used, the notices  
16 shall be posted no later than the day prescribed by law for publication, ~~or~~, if that day  
17 falls within the week preceding the election to be noticed, at least one week before  
18 the election. All notices given for the same election shall be given in the same  
19 manner.

20       **SECTION 22.** 10.07 (1) of the statutes is amended to read:

21       10.07 (1) Except as provided in sub. (2) in the case of voting machine ballots,  
22 whenever any county clerk ~~or~~ and one or more municipal ~~or~~, school district, or  
23 metropolitan service district clerks within the same county are directed to publish,  
24 or whenever 2 or more municipal, school district, or metropolitan service district  
25 clerks within the same county are directed to publish any notice or portion of a notice

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1 under this chapter on the same date in the same newspaper, the text of which is  
2 identical, the clerks may publish one notice only. The cost of publication of such  
3 notice or the portion of the notice required shall be apportioned equally between the  
4 county and each municipality ~~or~~, school district, or metropolitan service district  
5 sharing in its publication.

6 **SECTION 23.** 11.02 (8) of the statutes is created to read:

7 11.02 (8) If the jurisdiction under sub. (3) is a metropolitan service district, the  
8 appropriate clerk is the metropolitan service district clerk.

9 **SECTION 24.** 11.31 (1) (h) (intro.) of the statutes is amended to read:

10 11.31 (1) (h) (intro.) Candidates for any local office, who are elected from a  
11 jurisdiction or district with less than 500,000 inhabitants according to the latest  
12 federal census or census information on which the district is based, as certified by  
13 the appropriate filing officer, and candidates for member of a metropolitan service  
14 district commission, an amount equal to the greater of the following:

15 **SECTION 25.** 17.01 (11m) of the statutes is created to read:

16 17.01 (11m) By a member of a metropolitan service district commission, to the  
17 commission. The commission shall immediately give a copy of each resignation  
18 under this subsection to the elections board and to the chief executive officer of each  
19 municipality that has territory within the jurisdiction of the district.

20 **SECTION 26.** 17.13 (intro.) of the statutes is amended to read:

21 **17.13 Removal of village, town, town sanitary district, school district,**  
22 **technical college and district, family care district, and metropolitan**  
23 **service district officers.** (intro.) Officers of towns, town sanitary districts,  
24 villages, school districts, technical college districts ~~and~~, family care districts, and  
25 metropolitan service districts may be removed as follows:



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1           **SECTION 27.** 17.13 (3) of the statutes is amended to read:

2           17.13 (3) ALL OFFICERS. Any village, town, town sanitary district, school district  
3       or, technical college district, or metropolitan service district officer, elective or  
4       appointive, including those embraced within subs. (1) and (2), by the a judge of the  
5       circuit court of the a circuit wherein the village, town, town sanitary district, school  
6       district or, technical college district, or metropolitan service district is situated, for  
7       cause.

8           **SECTION 28.** 17.27 (1f) of the statutes is created to read:

9           17.27 (1f) METROPOLITAN SERVICE DISTRICT COMMISSION. Except as provided in  
10       s. 9.10, a vacancy in the office of any member of a metropolitan service district  
11       commission may be filled by temporary appointment of the remaining members of  
12       the commission. The temporary appointee shall serve until a successor is elected and  
13       qualified. If the vacancy occurs in any year after the first Tuesday in April and on  
14       or before December 1, the vacancy shall be filled for the residue of the unexpired  
15       term, if any, at the date of the next spring election. If the vacancy occurs in any year  
16       after December 1 or on or before the first Tuesday in April, the vacancy shall be filled  
17       for the residue of the unexpired term, if any, at the 2nd succeeding spring election.

18          **SECTION 29.** 23.09 (19) (a) 2. of the statutes is amended to read:

19          23.09 (19) (a) 2. “Governmental unit” means a city, village, town, county, lake  
20       sanitary district, as defined in s. 30.50 (4q), public inland lake protection and  
21       rehabilitation district, or metropolitan service district under subch. VI of ch. 229  
22       which provides parks and recreation services under s. 229.863 (2) (d), or the Kickapoo  
23       reserve management board.

24          **SECTION 30.** 23.09 (20) (ab) 1. of the statutes is amended to read:

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1           23.09 (20) (ab) 1. “Governmental unit” means a municipality, a metropolitan  
2           service district under subch. VI of ch. 229 which provides parks and recreation  
3           services under s. 229.863 (2) (d), or the Kickapoo reserve management board.

4           **SECTION 31.** 23.09 (20m) (a) 1. of the statutes is amended to read:

5           23.09 (20m) (a) 1. “Governmental unit” means a city, village, town, county, or  
6           metropolitan service district under subch. VI of ch. 229 which provides parks and  
7           recreation services under s. 229.863 (2) (d), or the Kickapoo reserve management  
8           board.

9           **SECTION 32.** 23.0917 (4m) (a) 3. of the statutes is amended to read:

10          23.0917 (4m) (a) 3. “Local governmental unit” means a city, village, town,  
11          county, lake sanitary district, as defined in s. 30.50 (4q), ~~or a~~ public inland lake  
12          protection and rehabilitation district, or metropolitan service district under subch.  
13          VI of ch. 229 which provides parks and recreation services under s. 229.863 (2) (d).

14          **SECTION 33.** 23.094 (1) of the statutes is amended to read:

15          23.094 (1) DEFINITION. In this section, “political subdivision” means a city,  
16          village, town, county, lake sanitary district, as defined in s. 30.50 (4q), ~~or~~ public  
17          inland lake protection and rehabilitation district, or metropolitan service district  
18          under subch. VI of ch. 229 which provides parks and recreation services under s.  
19          229.863 (2) (d).

20          **SECTION 34.** 25.50 (1) (d) of the statutes is amended to read:

21          25.50 (1) (d) “Local government” means any county, town, village, city, power  
22          district, sewerage district, drainage district, town sanitary district, public inland  
23          lake protection and rehabilitation district, local professional baseball park district  
24          created under subch. III of ch. 229, family care district under s. 46.2895, local  
25          professional football stadium district created under subch. IV of ch. 229, local

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1 cultural arts district created under subch. V of ch. 229, metropolitan service district  
2 under subch. VI of ch. 229, public library system, school district or technical college  
3 district in this state, any commission, committee, board or officer of any  
4 governmental subdivision of this state, any court of this state, other than the court  
5 of appeals or the supreme court, or any authority created under s. 231.02, 233.02 or  
6 234.02.

7 **SECTION 35.** 27.01 (3) of the statutes is amended to read:

8 27.01 (3) TRANSFER OF STATE PARK LAND TO MUNICIPALITIES. The department may  
9 not transfer the ownership of any state park or land within any state park to any  
10 ~~county, city, village or, town,~~ county, or metropolitan service district under subch. VI  
11 of ch. 229 which provides parks and recreation services under s. 229.863 (2) (d) unless  
12 ~~it the department~~ receives the approval of the joint committee on finance regarding  
13 the appropriate level of reimbursement to be received by the state to reflect the  
14 state's cost in acquiring and developing the state park or land within the state park.

15 **SECTION 36.** 27.075 (1) of the statutes is amended to read:

16 27.075 (1) The county board of any county with a population of less than  
17 500,000 is hereby vested with all powers of a local, legislative, and administrative  
18 character for the purpose of governing, managing, controlling, improving, and caring  
19 for public parks, parkways, boulevards, and pleasure drives; and to carry out these  
20 powers in districts which it may create for different purposes, or throughout the  
21 county, and for such purposes to levy county taxes, to issue bonds, assessment  
22 certificates, and improvement bonds, or any other evidence of indebtedness. The  
23 powers hereby conferred under this section may be exercised by the county board in  
24 any ~~town, city or village~~ city, village, or town, or part thereof located in ~~such the~~  
25 county upon the request of any such ~~town, city or village~~ city, village, or town,

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1 evidenced by a resolution adopted by a majority vote of the members-elect of its  
2 governing body, designating the particular park function, duty, or act, and the terms,  
3 if any, upon which the same shall be exercised by the county board. ~~Such~~ The  
4 resolution shall state whether the authority or function is to be exercised exclusively  
5 by the county or jointly by the county and the ~~town, city or village~~ city, village, or  
6 town, and shall also state that the exercise of ~~such~~ the power by the county is in the  
7 public interest. Upon the receipt of the resolution, the county board may, by a  
8 resolution adopted by a majority vote of its membership, elect to assume the exercise  
9 of ~~such~~ the authority or function, upon the terms and conditions set forth in the  
10 resolution presented by the ~~town, city or village~~ city, village, or town. A city, village,  
11 or town whose parks and recreation services are provided under s. 229.863 (2) (d) by  
12 a metropolitan service district under subch. VI of ch. 229 may negotiate the  
13 termination of any agreement entered into with a county under this subsection.

14 **SECTION 37.** 27.075 (2) of the statutes is amended to read:

15 27.075 (2) The county board of any ~~such~~ county may, by a resolution adopted  
16 by a majority of its membership, propose to the ~~towns, cities and villages~~ cities,  
17 villages, and towns located in ~~such~~ the county, or any of them, that it offers to exercise  
18 ~~such~~ the powers and functions therein ~~in order that are necessary~~ to consolidate  
19 municipal park services and functions in ~~said~~ the county. ~~Such~~ The resolution shall  
20 designate the particular function, duty, or act and the terms and conditions, if any,  
21 upon which the county board will perform the same. The powers conferred in sub.  
22 (1) and designated in ~~such~~ the resolution may ~~thereafter~~ be exercised by the county  
23 board in each ~~such town, city or village which shall accept such~~ city, village, or town  
24 which accepts the proposal by the adoption of a resolution by a majority vote of the  
25 members-elect of its governing body, except that no governing body may accept any

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1 proposal described under this subsection unless it contains a provision under which  
2 the city, village, or town may terminate its agreement with the county if the city,  
3 village, or town wishes to have its parks and recreation services provided under s.  
4 229.863 (2) (d) by a metropolitan service district under subch. VI of ch. 229.

5 **SECTION 38.** 27.075 (3) of the statutes is amended to read:

6 27.075 (3) After the adoption of resolutions by the county board, the county  
7 board ~~shall have full power to~~ may legislate upon and administer the entire subject  
8 matter committed to it, ~~and among other things, to~~ and may determine, where not  
9 otherwise provided by law, the manner of exercising the power thus assumed. No  
10 county may exercise any power under this section in a city, village, or town whose  
11 parks and recreation services are provided under s. 229.863 (2) (d) by a metropolitan  
12 service district under subch. VI of ch. 229.

13 **SECTION 39.** 27.075 (4) of the statutes is amended to read:

14 27.075 (4) ~~The town, city or village concerned~~ A city, village, or town may enter  
15 into ~~necessary contracts~~ a contract with the county, and appropriate money to pay  
16 the county, for the reasonable expenses incurred in rendering the park services  
17 assumed. ~~Such~~ The contract shall provide a procedure for the termination of the  
18 contract by any city, village, or town that wishes to have its parks and recreation  
19 services provided under s. 229.863 (2) (d) by a metropolitan service district under  
20 subch. VI of ch. 229. The expenses may be certified, returned, and paid as are other  
21 county charges, and, in the case of services performed pursuant to under a proposal  
22 for the consolidation thereof of municipal park services initiated by the county board  
23 and made available to each ~~town, city and village~~ city, village, and town in the county  
24 on the same terms, the expenses thereof shall be certified, returned, and paid as  
25 county charges; but ~~in the event that each and every town, city and village if every~~

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1 city, village, and town in the county shall ~~accept such~~ accepts the proposal of the  
2 county board the expenses thereof shall be paid by county taxes to be levied and  
3 collected as are other taxes for county purposes. ~~Said towns, cities and villages are~~  
4 ~~vested with all necessary power to do the things herein required, and to do all things~~  
5 ~~and to exercise or relinquish any of the powers herein provided or contemplated.~~ The  
6 procedure herein provided in this section for the request or acceptance of the exercise  
7 of the powers conferred on the county board in cities and villages is ~~hereby prescribed~~  
8 as a special method of determining the local affairs and government of such cities and  
9 villages pursuant to article XI, section 3, of the constitution.

10 **SECTION 40.** 27.08 (1) of the statutes is amended to read:

11 27.08 (1) Every city that does not have its parks and recreation services  
12 provided under s. 229.863 (2) (d) by a metropolitan service district under subch. VI  
13 of ch. 229 may by ordinance create a board of park commissioners subject to this  
14 section, or otherwise as provided by ordinance. ~~Such, and if the city has a board of~~  
15 ~~park commissioners the city shall terminate that board and end the board's authority~~  
16 ~~under this section upon the city's decision to have its parks and recreation services~~  
17 ~~provided under s. 229.863 (2) (d).~~ The board shall be organized as directed by the  
18 common council ~~shall provide.~~

19 **SECTION 41.** 27.08 (3) of the statutes is amended to read:

20 27.08 (3) ~~In any city having no~~ If a city does not have a board of park  
21 commissioners ~~its~~ and its parks and recreation services are not provided under s.  
22 229.863 (2) (d) by a metropolitan service district under subch. VI of ch. 229, the city's  
23 public parks, parkways, boulevards, and pleasure drives shall be under the charge  
24 of its board of public works, ~~if it has such last named board; otherwise or, if it does~~  
25 not have such a board, under the charge of its common council. When so in charge,

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1 the board of public works or the common council may exercise all of the powers of a  
2 board of park commissioners. Upon a city's decision to have its parks and recreation  
3 services provided under s. 229.863 (2) (d), the city's board of public works or common  
4 council may not exercise any authority under this section.

5 **SECTION 42.** 30.277 (1b) (a) of the statutes is amended to read:

6 30.277 (1b) (a) "Governmental unit" means a city, village, town, county, or  
7 metropolitan service district under subch. VI of ch. 229 which provides parks and  
8 recreation services under s. 229.863 (2) (d), or the Kickapoo reserve management  
9 board.

10 **SECTION 43.** 43.01 (1m) of the statutes is created to read:

11 43.01 (1m) "District" means a metropolitan service district under ch. 229.

12 **SECTION 44.** 43.18 (1) (ag) of the statutes is amended to read:

13 43.18 (1) (ag) In this subsection, "participating municipality" means a district  
14 or municipality that operates a public library and is a member of a public library  
15 system.

16 **SECTION 45.** 43.52 (1r) of the statutes is created to read:

17 43.52 (1r) A municipal library may be operated by a district if the municipality  
18 and district enter into an agreement of their governing bodies. Notwithstanding s.  
19 43.54, the agreement shall provide for the creation of new library board to carry out  
20 the powers and duties under s. 43.58.

21 **SECTION 46.** 43.53 (4) of the statutes is created to read:

22 43.53 (4) A joint library may be operated by a district if the district and the  
23 municipalities that established the joint library enter into an agreement of their  
24 governing bodies. Notwithstanding s. 43.54, the agreement shall provide for the  
25 creation of a new library board to carry out the powers and duties under s. 43.58.

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1           **SECTION 47.** 59.69 (2) (g) of the statutes is created to read:

2           59.69 (2) (g) 1. Subject to subd. 2., not later than the first day of the 7th month  
3 after the effective date of this subdivision .... [revisor inserts date], the county zoning  
4 agency shall designate the boundaries of all urbanized areas in the county, based on  
5 at least all of the following factors:

- 6           a. Population density.  
7           b. Compactness.  
8           c. Community of interests.  
9           d. Cost effectiveness of service delivery.

10          2. A county zoning agency may act under subd. 1. only if the county is not part  
11 of a regional planning commission. If a county is not part of a regional planning  
12 commission, the zoning agency may contract with any regional planning commission  
13 to designate the urbanized areas of the county, based on the factors listed in, and  
14 subject to the time limits specified in, subd. 1.

15          3. Following an initial designation of urbanized areas under this paragraph,  
16 a county zoning agency, or regional planning commission under subd. 2., shall  
17 redesignate urbanized areas of the county every 10 years, based on the factors listed  
18 in subd. 1., unless an earlier redesignation is requested under s. 229.863 (4) (n).

19          4. The boundaries of an urbanized area may consist of any combination of the  
20 whole of any city, the whole of any village, or the whole or part of any town.

21           **SECTION 48.** 59.69 (5) (c) of the statutes is amended to read:

22           59.69 (5) (c) A county ordinance enacted under this section shall not be effective  
23 in any town until it has been approved by the town board. If the town board approves  
24 an ordinance enacted by the county board, under this section, a certified copy of the  
25 approving resolution attached to one of the copies of such ordinance submitted to the



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1 town board shall promptly be filed with the county clerk by the town clerk. The  
2 ordinance shall become effective in the town as of the date of the filing, which filing  
3 shall be recorded by the county clerk in the clerk's office, reported to the town board  
4 and the county board, and printed in the proceedings of the county board. The  
5 ordinance shall supersede any prior town ordinance in conflict therewith or which  
6 is concerned with zoning, except as provided by s. 60.62 or by s. 229.863 (3) (c).

7 **SECTION 49.** 59.69 (7) of the statutes is amended to read:

8 59.69 (7) CONTINUED EFFECT OF ORDINANCE. Whenever an area which has been  
9 subject to a county zoning ordinance petitions to become part of a city or village, the  
10 regulations imposed by the county zoning ordinance shall continue in effect, without  
11 change, and shall be enforced by the city or village until the regulations have been  
12 changed by official action of the governing body of the city or village, except that in  
13 the event an ordinance of annexation is contested in the courts, the county zoning  
14 shall prevail and the county shall have jurisdiction over the zoning in the area  
15 affected until ultimate determination of the court action. Whenever an area which  
16 has been subject to a county zoning ordinance becomes part of a metropolitan service  
17 district under subch. VI of ch. 229 and the metropolitan service district provides  
18 zoning services under s. 229.863 (2) (e), that town territory is not subject to a county  
19 zoning ordinance and the county zoning ordinance may not be enforced within the  
20 town.

21 **SECTION 50.** 60.61 (3) (d) of the statutes is created to read:

22 60.61 (3) (d) The town is not subject to zoning authority that is exercised by a  
23 municipal service district under s. 229.863 (2) (e).

24 **SECTION 51.** 60.62 (1) of the statutes is amended to read:

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1           60.62 (1) Subject to subs. (2), (3), (3m), and (4), if a town board has been granted  
2 authority to exercise village powers under s. 60.10 (2) (c), the board may adopt zoning  
3 ordinances under s. 61.35.

4           **SECTION 52.** 60.62 (3m) of the statutes is created to read:

5           60.62 (3m) The town board may not exercise authority under sub. (1) if the  
6 town is part of a metropolitan service district that exercises zoning authority under  
7 s. 229.863 (2) (e).

8           **SECTION 53.** 61.65 (1) (a) 2. of the statutes is amended to read:

9           61.65 (1) (a) 2. Contracting for police protective services with a city or town,  
10 with another village or with the county in which the village is located. A village that  
11 contracts for police protective services under this subdivision shall pay the full cost  
12 of services provided.

13           **SECTION 54.** 61.65 (1) (a) 4. of the statutes is created to read:

14           61.65 (1) (a) 4. Contracting for police protective services with a metropolitan  
15 services district that provides such service under s. 229.863 (2) (h) and (3) (d).

16           **SECTION 55.** 61.65 (2) (a) 2. of the statutes is amended to read:

17           61.65 (2) (a) 2. Contracting for fire protection services with a city or town or  
18 with another village. A village that contracts for fire protection services under this  
19 subdivision shall pay the full cost of services provided.

20           **SECTION 56.** 61.65 (2) (a) 5. of the statutes is created to read:

21           61.65 (2) (a) 5. Contracting for fire protection services with a metropolitan  
22 service district that provides such services under s. 229.863 (2) (c) and (3) (d).

23           **SECTION 57.** 62.13 (1) of the statutes is amended to read:

24           62.13 (1) COMMISSIONERS. Except as provided in ~~sub.~~ subs. (2m) and (2s), each  
25 city shall have a board of police and fire commissioners consisting of 5 citizens, 3 of

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1 whom shall constitute a quorum. The mayor shall annually, between the last  
2 Monday of April and the first Monday of May, appoint in writing to be filed with the  
3 secretary of the board, one member for a term of 5 years. No appointment shall be  
4 made which will result in more than 3 members of the board belonging to the same  
5 political party. The board shall keep a record of its proceedings.

6 **SECTION 58.** 62.13 (2s) of the statutes is created to read:

7 62.13 (2s) METROPOLITAN SERVICE DISTRICTS, CONTRACT SERVICES. A city may  
8 provide for police protective services by contracting with a metropolitan service  
9 district that provides such services under s. 229.863 (2) (h) and (3) (d).

10 **SECTION 59.** 62.13 (8) of the statutes is amended to read:

11 62.13 (8) FIRE DEPARTMENT. The council may provide by ordinance for either a  
12 paid or a volunteer fire department and for the management and equipment of either  
13 insofar as not otherwise provided for by law. In the case where a combination of paid  
14 and volunteer fire department is provided for, such city shall be reimbursed by the  
15 department of transportation, not to exceed \$500 for any fire calls on a state trunk  
16 highway or on any highway that is a part of the national system of interstate  
17 highways and is maintained by the department of transportation. A city may also  
18 provide for fire protection services by contracting with a metropolitan services  
19 district that provides such services under s. 229.863 (2) (c) and (3) (d).

20 **SECTION 60.** 66.0217 (2) of the statutes is amended to read:

21 66.0217 (2) DIRECT ANNEXATION BY UNANIMOUS APPROVAL. If Except as provided  
22 in s. 229.864 (4), if a petition for direct annexation signed by all of the electors  
23 residing in the territory and the owners of all of the real property in the territory is  
24 filed with the city or village clerk, and with the town clerk of the town or towns in  
25 which the territory is located, together with a scale map and a legal description of

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1 the property to be annexed, an annexation ordinance for the annexation of the  
2 territory may be enacted by a two-thirds vote of the elected members of the  
3 governing body of the city or village without compliance with the notice requirements  
4 of sub. (4). In an annexation under this subsection, subject to sub. (6), the person  
5 filing the petition with the city or village clerk and the town clerk shall, within 5 days  
6 of the filing, mail a copy of the scale map and a legal description of the territory to  
7 be annexed to the department and the governing body shall review the advice of the  
8 department, if any, before enacting the annexation ordinance.

9 **SECTION 61.** 66.0217 (3) (a) (intro.) of the statutes is amended to read:

10 66.0217 (3) (a) *Direct annexation by one-half approval.* (intro.) ~~A- Except as~~  
11 provided in s. 229.864 (4), a petition for direct annexation may be filed with the city  
12 or village clerk if it has been signed by either of the following:

13 **SECTION 62.** 66.0217 (3) (b) (intro.) of the statutes is amended to read:

14 66.0217 (3) (b) *Annexation by referendum.* (intro.) ~~A- Except as provided in~~  
15 s. 229.864 (4), a petition for a referendum on the question of annexation may be filed  
16 with the city or village clerk signed by a number of qualified electors residing in the  
17 territory equal to at least 20% of the votes cast for governor in the territory at the last  
18 gubernatorial election, and the owners of at least 50% of the real property either in  
19 area or assessed value. The petition shall conform to the requirements of s. 8.40.

20 **SECTION 63.** 66.0219 (intro.) of the statutes is amended to read:

21 **66.0219 Annexation by referendum initiated by city or village.** (intro.)  
22 As a complete alternative to any other annexation procedure, and subject to s.  
23 66.0307 (7) and s. 229.864 (4), unincorporated territory which contains electors and  
24 is contiguous to a city or village may be annexed to the city or village under this  
25 section. The definitions in s. 66.0217 (1) apply to this section.

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1           **SECTION 64.** 66.0221 (1) of the statutes is amended to read:

2           66.0221 (1) Upon its own motion and except as provided in s. 229.864 (4), a city  
3 or village, by a two-thirds vote of the entire membership of its governing body, may  
4 enact an ordinance annexing territory which comprises a portion of a town or towns  
5 and which was completely surrounded by territory of the city or village on  
6 December 2, 1973. The ordinance shall include all surrounded town areas except  
7 those that are exempt by mutual agreement of all of the governing bodies involved.  
8 The annexation ordinance shall contain a legal description of the territory and the  
9 name of the town or towns from which the territory is detached. Upon enactment of  
10 the ordinance, the city or village clerk immediately shall file 6 certified copies of the  
11 ordinance in the office of the secretary of state, together with 6 copies of a scale map.  
12 The secretary of state shall forward 2 copies of the ordinance and scale map to the  
13 department of transportation, one copy to the department of natural resources, one  
14 copy to the department of revenue and one copy to the department of administration.  
15 This subsection does not apply if the town island was created only by the annexation  
16 of a railroad right-of-way or drainage ditch. This subsection does not apply to land  
17 owned by a town government which has existing town government buildings located  
18 on the land. No town island may be annexed under this subsection if the island  
19 consists of over 65 acres or contains over 100 residents. Section 66.0217 (11) applies  
20 to annexations under this subsection. Except as provided in sub. (2), after  
21 December 2, 1973, no city or village may, by annexation, create a town area which  
22 is completely surrounded by the city or village.

23           **SECTION 65.** 66.0223 of the statutes is amended to read:

24           **66.0223 Annexation of territory owned by a city or village.** In addition  
25 to other methods provided by law and subject to ss. 59.692 (7) and, 66.0307 (7), and

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1     229.864 (4), territory owned by and lying near but not necessarily contiguous to a  
2     village or city may be annexed to a village or city by ordinance enacted by the board  
3     of trustees of the village or the common council of the city, provided that in the case  
4     of noncontiguous territory the use of the territory by the city or village is not contrary  
5     to any town or county zoning regulation. The ordinance shall contain the exact  
6     description of the territory annexed and the names of the towns from which  
7     detached, and attaches the territory to the village or city upon the filing of 7 certified  
8     copies of the ordinance in the office of the secretary of state, together with 7 copies  
9     of a plat showing the boundaries of the territory attached. Two copies of the  
10    ordinance and plat shall be forwarded by the secretary of state to the department of  
11    transportation, one copy to the department of administration, one copy to the  
12    department of natural resources, one copy to the department of revenue and one copy  
13    to the department of public instruction. Within 10 days of filing the certified copies,  
14    a copy of the ordinance and plat shall be mailed or delivered to the clerk of the county  
15    in which the annexed territory is located. Section 66.0217 (11) applies to annexations  
16    under this section.

17       **SECTION 66.** 66.0301 (1) (a) of the statutes is amended to read:

18       66.0301 (1) (a) In this section “municipality” means the state or any  
19    department or agency thereof, or any city, village, town, county, school district, public  
20    library system, public inland lake protection and rehabilitation district, sanitary  
21    district, farm drainage district, metropolitan sewerage district, sewer utility district,  
22    solid waste management system created under s. 59.70 (2), local exposition district  
23    created under subch. II of ch. 229, local professional baseball park district created  
24    under subch. III of ch. 229, local professional football stadium district created under  
25    subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229,

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1 metropolitan service district created under subch. VI of ch. 229, family care district  
2 under s. 46.2895, water utility district, mosquito control district, municipal electric  
3 company, county or city transit commission, commission created by contract under  
4 this section, taxation district, regional planning commission, or city–county health  
5 department.

6 **SECTION 67.** 66.0309 (8) (c) of the statutes is created to read:

7 66.0309 (8) (c) 1. Subject to subd. 2., not later than the first day of the 7th month  
8 after the effective date of this subdivision .... [revisor inserts date], each regional  
9 planning commission shall designate the boundaries of all urbanized areas in the  
10 region, based on at least all of the following factors:

- 11 a. Population density.
- 12 b. Compactness.
- 13 c. Community of interests.
- 14 d. Cost effectiveness of service delivery.

15 2. Following an initial designation of urbanized areas under this paragraph,  
16 a regional planning commission shall redesignate urbanized areas of the region  
17 every 10 years, based on the factors listed in subd. 1., unless an earlier redesignation  
18 is requested under s. 229.863 (4) (n).

19 3. The boundaries of an urbanized area may consist of any combination of the  
20 whole of any city, the whole of any village, or the whole or part of any town.

21 **SECTION 68.** 66.0615 (1) (bs) of the statutes is created to read:

22 66.0615 (1) (bs) “Metropolitan service district” has the meaning given for  
23 “district” in s. 229.86 (3).

24 **SECTION 69.** 66.0615 (1m) (a) of the statutes is amended to read:

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1           66.0615 (1m) (a) The governing body of a municipality may enact an ordinance,  
2           and a district, under par. (e), and a metropolitan service district, under par. (em), may  
3           adopt a resolution, imposing a tax on the privilege of furnishing, at retail, except  
4           sales for resale, rooms or lodging to transients by hotelkeepers, motel operators and  
5           other persons furnishing accommodations that are available to the public,  
6           irrespective of whether membership is required for use of the accommodations. A tax  
7           imposed under this paragraph is not subject to the selective sales tax imposed by s.  
8           77.52 (2) (a) 1. and may not be imposed on sales to the federal government and  
9           persons listed under s. 77.54 (9a). A tax imposed under this paragraph by a  
10          municipality shall be paid to the municipality and may be forwarded to a commission  
11          if one is created under par. (c), as provided in par. (d). A tax imposed under this  
12          paragraph by a metropolitan service district shall be paid to the district. Except as  
13          provided in par. (am), a tax imposed under this paragraph by a municipality or by  
14          a metropolitan service district may not exceed 8%. Except as provided in par. (am),  
15          if a tax greater than 8% under this paragraph is in effect on May 13, 1994, the  
16          municipality imposing the tax shall reduce the tax to 8%, effective on June 1, 1994.

17           **SECTION 70.** 66.0615 (1m) (em) of the statutes is created to read:

18           66.0615 (1m) (em) 1. The governing body of a metropolitan service district may  
19          adopt a resolution imposing a room tax under par. (a) if none of the municipalities  
20          within the metropolitan service district's jurisdiction under s. 229.862, that are also  
21          part of the district, impose such a tax and if all such municipalities enact an  
22          ordinance authorizing the metropolitan service district to impose the tax under par.  
23          (a). A tax imposed under par. (a) applies within every municipality that is both  
24          located within the metropolitan service district's jurisdiction and that is part of the  
25          metropolitan service district.



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1           2. If a metropolitan service district stops imposing and collecting a room tax,  
2           the municipalities within the district's jurisdiction that are also a part of the district  
3           may impose a room tax under par. (a).

4           **SECTION 71.** 66.0615 (2) (intro.) of the statutes is amended to read:

5           66.0615 (2) (intro.) As a means of enforcing the collection of any room tax  
6           imposed by a municipality ~~or~~, a district, or a metropolitan service district under sub.  
7           (1m), the municipality ~~or~~, district, or metropolitan service district may exchange  
8           audit and other information with the department of revenue and may do any of the  
9           following:

10          **SECTION 72.** 66.0615 (2) (a) of the statutes is amended to read:

11          66.0615 (2) (a) If a municipality ~~or~~, district, or metropolitan service district has  
12          probable cause to believe that the correct amount of room tax has not been assessed  
13          or that the tax return is not correct, inspect and audit the financial records of any  
14          person subject to sub. (1m) pertaining to the furnishing of accommodations to  
15          determine whether the correct amount of room tax is assessed and whether any room  
16          tax return is correct.

17          **SECTION 73.** 66.0615 (2) (d) of the statutes is amended to read:

18          66.0615 (2) (d) Require each person who is subject to par. (c) to pay an amount  
19          of taxes that the municipality ~~or~~, district, or metropolitan service district determines  
20          to be due under par. (c) plus interest at the rate of 1% per month on the unpaid  
21          balance. No refund or modification of the payment determined may be granted until  
22          the person files a correct room tax return and permits the municipality ~~or~~, district,  
23          or metropolitan service district to inspect and audit his or her financial records under  
24          par. (a).

25          **SECTION 74.** 66.0615 (3) of the statutes is amended to read:

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1           66.0615 (3) The municipality shall provide by ordinance and the district or  
2           metropolitan service district shall provide by resolution for the confidentiality of  
3           information obtained under sub. (2) but shall provide exceptions for persons using  
4           the information in the discharge of duties imposed by law or of the duties of their  
5           office or by order of a court. The municipality ~~or~~, district, or metropolitan service  
6           district may provide for the publishing of statistics classified so as not to disclose the  
7           identity of particular returns. The municipality ~~or~~, district, or metropolitan service  
8           district shall provide that persons violating ordinances or resolutions enacted under  
9           this subsection may be required to forfeit not less than \$100 nor more than \$500.

10           **SECTION 75.** 66.0617 (1) (a) of the statutes is amended to read:

11           66.0617 (1) (a) “Capital costs” means the capital costs to construct, expand, or  
12           improve public facilities, including the cost of land, and including legal, engineering,  
13           and design costs to construct, expand, or improve public facilities, except that not  
14           more than 10% of capital costs may consist of legal, engineering, and design costs  
15           unless the political subdivision or metropolitan service district can demonstrate that  
16           its legal, engineering, and design costs which relate directly to the public  
17           improvement for which the impact fees were imposed exceed 10% of capital costs.  
18           “Capital costs” does not include other noncapital costs to construct, expand, or  
19           improve public facilities or the costs of equipment to construct, expand, or improve  
20           public facilities.

21           **SECTION 76.** 66.0617 (1) (c) of the statutes is amended to read:

22           66.0617 (1) (c) “Impact fees” means cash contributions, contributions of land  
23           or interests in land, or any other items of value that are imposed on a developer by  
24           a political subdivision or a metropolitan service district under this section.

25           **SECTION 77.** 66.0617 (1) (d) of the statutes is amended to read:

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1           66.0617 (1) (d) “Land development” means the construction or modification of  
2           improvements to real property that creates additional residential dwelling units  
3           within a political subdivision or metropolitan service district or that results in  
4           nonresidential uses that create a need for new, expanded, or improved public  
5           facilities within a political subdivision or metropolitan service district.

6           **SECTION 78.** 66.0617 (1) (dg) of the statutes is created to read:

7           66.0617 (1) (dg) “Metropolitan service district” has the meaning given for  
8           “district” in s. 229.86 (3).

9           **SECTION 79.** 66.0617 (1) (g) of the statutes is amended to read:

10          66.0617 (1) (g) “Service area” means a geographic area delineated by a political  
11          subdivision or metropolitan service district within which there are public facilities.

12          **SECTION 80.** 66.0617 (1) (h) of the statutes is amended to read:

13          66.0617 (1) (h) “Service standard” means a certain quantity or quality of public  
14          facilities relative to a certain number of persons, parcels of land, or other appropriate  
15          measure, as specified by the political subdivision or metropolitan service district.

16          **SECTION 81.** 66.0617 (2) (a) of the statutes is amended to read:

17          66.0617 (2) (a) Subject to par. (am), a political subdivision may enact an  
18          ordinance under this section, and a metropolitan service district may adopt a  
19          resolution under this section, that imposes impact fees on developers to pay for the  
20          capital costs that are necessary to accommodate land development.

21          **SECTION 82.** 66.0617 (2) (am) of the statutes is renumbered 66.0617 (2) (am)

22          1.

23          **SECTION 83.** 66.0617 (2) (am) 2. of the statutes is created to read:

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1           66.0617 (2) (am) 2. No metropolitan service district may impose an impact fee  
2           under this section for any purpose other than a purpose that is related to a service  
3           under s. 229.863 (2) and (3) that the district provides or has agreed to provide.

4           **SECTION 84.** 66.0617 (3) of the statutes is amended to read:

5           66.0617 (3) PUBLIC HEARING; NOTICE. Before ~~enacting~~ a political subdivision  
6           enacts an ordinance or a metropolitan service district adopts a resolution that  
7           imposes impact fees, ~~or amending~~ amends an existing ordinance or resolution that  
8           imposes impact fees, a political subdivision or a metropolitan service district shall  
9           hold a public hearing on the proposed ordinance or resolution or amendment. Notice  
10          of the public hearing shall be published as a class 1 notice under ch. 985, and shall  
11          specify where a copy of the proposed ordinance or resolution or amendment and the  
12          public facilities needs assessment may be obtained.

13          **SECTION 85.** 66.0617 (4) (a) (intro.) of the statutes is amended to read:

14          66.0617 (4) (a) (intro.) Before enacting an ordinance or adopting a resolution  
15          that imposes impact fees or amending an ordinance or resolution that imposes  
16          impact fees by revising the amount of the fee or altering the public facilities for which  
17          impact fees may be imposed, a political subdivision or a metropolitan service district  
18          shall prepare a needs assessment for the public facilities for which it is anticipated  
19          that impact fees may be imposed. The public facilities needs assessment shall  
20          include, but not be limited to, the following:

21          **SECTION 86.** 66.0617 (4) (b) of the statutes is amended to read:

22          66.0617 (4) (b) A public facilities needs assessment or revised public facilities  
23          needs assessment that is prepared under this subsection shall be available for public  
24          inspection and copying in the office of the clerk of the political subdivision or in the

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1 office of the secretary of the metropolitan service district commission at least 20 days  
2 before the hearing under sub. (3).

3 **SECTION 87.** 66.0617 (5) of the statutes is amended to read:

4 66.0617 (5) DIFFERENTIAL FEES, IMPACT FEE ZONES. (a) An ordinance enacted or  
5 resolution adopted under this section may impose different impact fees on different  
6 types of land development.

7 (b) An ordinance enacted or resolution adopted under this section may  
8 delineate geographically defined zones within the political subdivision or  
9 metropolitan service district and may impose impact fees on land development in a  
10 zone that differ from impact fees imposed on land development in other zones within  
11 the political subdivision or metropolitan service district. The public facilities needs  
12 assessment that is required under sub. (4) shall explicitly identify the differences,  
13 such as land development or the need for those public facilities, which justify the  
14 differences between zones in the amount of impact fees imposed.

15 **SECTION 88.** 66.0617 (6) (intro.) of the statutes is amended to read:

16 66.0617 (6) STANDARDS FOR IMPACT FEES. (intro.) Impact fees imposed by an  
17 ordinance enacted or resolution adopted under this section:

18 **SECTION 89.** 66.0617 (6) (b) of the statutes is amended to read:

19 66.0617 (6) (b) May not exceed the proportionate share of the capital costs that  
20 are required to serve land development, as compared to existing uses of land within  
21 the political subdivision or metropolitan service district.

22 **SECTION 90.** 66.0617 (6) (h) of the statutes is created to read:

23 66.0617 (6) (h) Shall be payable, no sooner than 90 days after final plat  
24 approval, by the developer to the metropolitan service district either in full or in  
25 installment payments that are approved by the metropolitan service district.